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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,479	02/26/2004	Richard D. Dettinger	ROC920030330US1	6996
46797 7590 03/21/2008 IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829				
EXAMINER				
HILLERY, NATHAN				
ART UNIT		PAPER NUMBER		
2176				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/787,479

## Applicant(s)

DETTINGER ET AL.

## Examiner

NATHAN HILLERY

## Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 11-13, 15, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 11-13, 15, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 12/19/07.
2. Claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 are pending in the case. Claims 1, 11, 24 and 25 are independent.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiesehuegel et al. (US 20020128949 A1) as applied to claims 1 and 11 above, and further in view of Keating (US 20020052895 A1) and Hogan (US 20040187093 A1).
5. **Regarding independent claim 1**, Wiesehuegel et al. teach that the network dispatchers receive broker requests for offerings by a proxy server. Thus, the guest brokers may use their web browser personal computers or wireless web browsers, to query the outside database via a computer network such as the Internet (paragraph block 0058), which meet the limitation of **receiving a request for a web page comprising displayable content including user-selectable elements through which a user invokes one or more executable functions**;

Wiesehuegel et al. teach that a web page including a place bid button or icon is sent to the bidder including the information about the products to which he is entitled to

bid normally (paragraph block 0067), which meet the limitations of **providing the web page with the displayable content**; and **parsing the web page to identify the user-selectable elements**.

Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is either disabled ("grayed out") and provided with an informational message such as "Sorry, you are not allowed to bid on this item at this time", or the bid button is removed from the web page entirely (paragraph block 0067), which meet the limitation of **disabling at least a portion of the user-selectable elements on the basis of a pre-defined transform definition to produce a re-configured web page, thereby making the one or more executable functions corresponding to the portion of the user-selectable elements unavailable to the user viewing the re-configured web page**;

Wiesehuegel et al. teach that for those items to which he is entitled to view information but restricted from bidding, the information (or a subset of the information) regarding the items will be displayed with all bidding actions disabled or with no bidding actions given (paragraph block 0066), which meet the limitation of **returning the re-configured web page for display**.

Wiesehuegel et al. do not explicitly teach that **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user-selectable elements to be disabled**.

Keating teaches that the prior art teaches that the XSL language permits user to alter and modify XML documents. In particular, XSL consists of two parts including a method for transforming XML documents and a method for formatting XML documents. XSL can also add completely new elements into the output file or remove elements. It can rearrange and sort the elements, and test and make decisions about which elements to display, and a lot more (paragraph block 0008), which meet the limitation of **wherein the pre-defined transform definition is an XSL transform defined for the web page, applied by an XSL transform engine, and specifying the portion of the user-selectable elements to be disabled.**

Because both Wiesenhuegel et al. and Keating teach methods of using a pre-defined transform, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of using a pre-defined XSL transform.

Neither Wiesenhuegel et al. nor Keating explicitly teach **making the one or more executable functions ... unavailable ... without setting values of variables within an underlying application code.**

Hogan teaches that the prior art teaches that building and displaying dynamic graphical user interfaces (GUIs) that can be updated automatically without requiring code-level modification and recompiling (paragraph block 0004), which meet the limitation of **making the one or more executable functions ... unavailable ... without setting values of variables within an underlying application code.**

Because both the combination of Wiesenhuegel et al. and Keating and Hogan teach methods of translating source information into target information, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of translating without modifying the underlying application code.

6. **Regarding dependent claim 2**, Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is disabled ("grayed out") (paragraph block 0067), which meet the limitation of **the portion of the user-selectable elements for which the one or more executable functions are made unavailable remain visible while the one or more executable functions are unavailable**.

7. **Regarding dependent claim 3**, Wiesehuegel et al. teach that for items which a bidder is only allowed to read as a guest, the bid button is removed from the web page entirely (paragraph block 0067), which meet the limitation of **disabling comprises removing the portion of the user-selectable elements from the web page prior to returning the re- configured web page**.

8. **Regarding dependent claim 5**, Wiesehuegel et al. teach that a web page including a place bid button is sent to the bidder (paragraph block 0067), which meet the limitation of **the user-selectable elements are graphical user interface elements**.

9. **Regarding dependent claim 6**, Wiesehuegel et al. teach that the guest brokers may use their web browser personal computers or wireless web browsers, to query the outside database via a computer network such as the Internet (paragraph block 0058), which meet the limitation of **the request is issued by a web browser**.

10. **Regarding claims 11 – 13, 15, 24 and 25**, the claims incorporates substantially similar subject matter as claims 1 – 3, 5 and 6, and are rejected along the same rationale.

#### ***Response to Arguments***

11. Applicant's arguments filed 12/19/07 have been fully considered but they are not persuasive.

12. Applicant argues that there is no motivation to combine the references because the MPEP, specifically 2143, states that there are three criteria that must be met and the Office fails to meet at least two of them (p 7).

The Office disagrees.

First, it should be noted that MPEP 2143 does not state what applicant insists it does. It is respectfully requested that applicant acquires the most recent version of the MPEP and reread MPEP 2143. For completeness, MPEP 2143 states in part:

The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

#### **EXEMPLARY RATIONALES**

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Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) "Obvious to try" - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Note that the list of rationales provided is not intended to be an all-inclusive list. Other rationales to support a conclusion of obviousness may be relied upon by Office personnel.

The subsections below include discussions of each rationale along with examples illustrating how the cited rationales may be used to support a finding of obviousness. The cases cited (from which the facts were derived) may not necessarily stand for the proposition that the particular rationale is the basis for the court's holding of obviousness. Note that, in some instances, a single case is used in different subsections to illustrate the use of more than one rationale to support a finding of obviousness. It will often be the case that, once the *Graham* inquiries have been satisfactorily resolved, a conclusion of obviousness may be supported by more than one line of reasoning.

In this case, the Office relies on Rationale (B).

13. Applicant's arguments with respect to claims 1 – 3, 5, 6, 11 – 13, 15, 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN HILLERY whose telephone number is (571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NH

*/Doug Hutton/*

Doug Hutton  
Supervisory Primary Examiner  
Technology Center 2100

**Search Notes****Application/Control No.**

10/787,479

**Examiner**

NATHAN HILLERY

**Applicant(s)/Patent under Reexamination**

DETTINGER ET AL.

**Art Unit**

2176

**SEARCHED**

Class	Subclass	Date	Examiner
715	522-524 513-515	10/13/2006	NH
ABOVE	UPDATED	5/8/2007	NH
ABOVE	UPDATED	9/17/2007	NH
ABOVE	UPDATED	3/15/2008	NH

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
EAST (USPT, USPGPUB, JPO, EPO, Derwent, IBMTD) - See Search History Printout	10/13/2006	NH
EAST (USPT, USPGPUB, JPO, EPO, Derwent, IBMTD) - See Search History Printout	5/8/2007	NH
EAST (USPT, USPGPUB, JPO, EPO, Derwent, IBMTD) - See Search History Printout	9/17/2007	NH
EAST (USPT, USPGPUB, JPO, EPO, Derwent, IBMTD) - See Search History Printout	3/15/2008	NH